IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Con.Case(C).No. 771 of 2007(S)

AGAINST THE JUDGEMENT IN WA.1924/2006 Dated 20/10/2006
.....

PETITIONER- 1ST RESPONDENT IN WA - PETITIONER IN WPC

DR.V.M.ITTICHERIYA, AGED 47 YEARS,
S/O.M.V.ITTICHERIYA, LMVRA NO.136,
T.C.25/1053, BARTON HILL, KUNNUKUZHI POST,
VANCHIYOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENT: 3RD RESPSONDENT IN WA - 2ND RESPSONDENT IN WPC

MR.N.AYYAPPAN, AGE AND SON OF NOT
KNOWN TO THE PETITIONER, DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SMT. MEERA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

Contempt Case (Civil) No.771 of 2007

Dated, this the 20th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

The complainant alleges that the respondent has disobeyed the orders and directions issued by this court in W.A.No.1924/2006 dt. 20.10.2006. Therefore, he requests this court to initiate appropriate contempt proceedings against the respondent and punish him for his wilfull and deliberate disobedience of the orders and directions issued by this court.

2. After service of notice the respondent had entered appearance and has filed a detailed counter affidavit and in that he has categorically stated that he did not issue the NOC as requested by the petitioner and as directed by this court for the various reasons mentioned by him in the affidavit itself.

3. After going through the pleadings in the contempt petition, the orders and directions issued by this court and the counter affidavit filed by the respondent, we are of the opinion that the respondent has not deliberately or wilfully disobeyed the orders and directions issued by this court. In that view of the matter, we do not intend to take cognizance of this contempt petition. Accordingly, the petition requires to be rejected and it is rejected. However, liberty is reserved to the petitioner, if he so

desires, to question the correctness or otherwise of the orders passed by the District Collector dt. 11.4.2007 before the appropriate forum. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

mt/